



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
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Public Hearing Date:	September 22, 2009
Land Use Action Date:	November 17, 2009
Board of Aldermen Action Date:	December 7, 2009
90-Day Expiration Date:	December 21, 2009

DATE: September 18, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner *CH*
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: 188 NEEDHAM STREET LIMITED PARTNERSHIP petition for SPECIAL PERMIT to convert a portion of existing retail and office space to restaurant space with 120 seats at 188-210 NEEDHAM STREET, Ward 8, Newton Upper Falls, on land known as Sec 83, Blk 28, Lots 83 and 84, containing approx 192,308 sf of land in a district zoned MIXED USE 1 Ref: Sec 30-24 and 30-13(b)(5) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

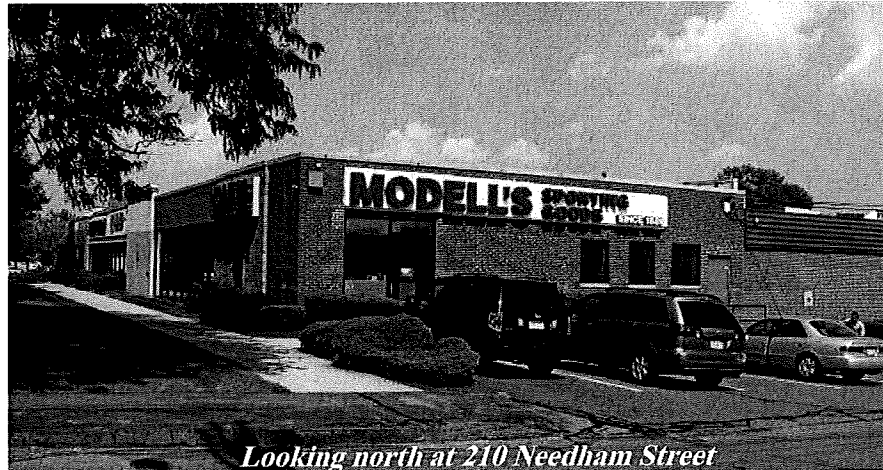


188 Needham Street, looking east

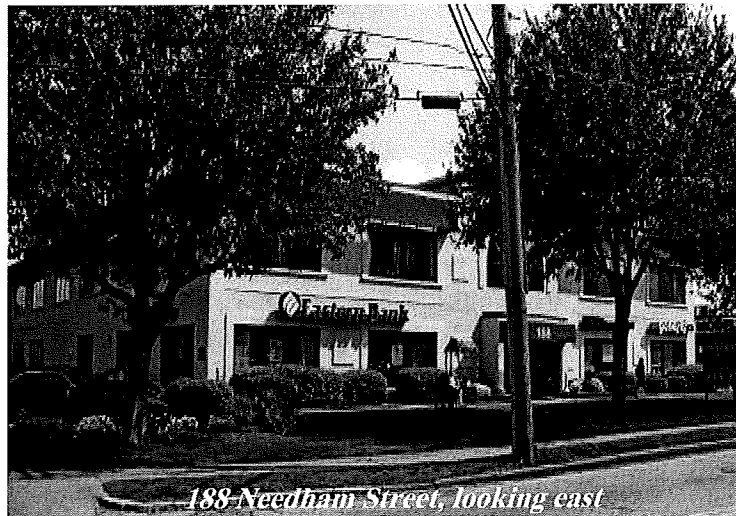


210 Needham Street, looking north

EXECUTIVE SUMMARY



The two buildings on this site currently house several office and retail uses. The petitioner requests the ability to replace 6,000 sq. ft. of retail space with a 120-seat restaurant. The petitioner has not specified a location for this restaurant in the buildings or a particular tenant,



but is seeking the flexibility to lease existing retail space for a restaurant use. Needham Street continues to change from an industrial corridor to a commercial and residential corridor, as noted by the 2007 *Newton Comprehensive Plan*. The City is preparing to undertake a study of the corridor to define a visual and functional framework for the ongoing changes to the corridor. Meanwhile, it is important to consider the impact of the proposed changes on the vitality of the corridor as a whole.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should determine if the following findings apply:

- The restaurant use as developed and operated will positively affect the Needham Street corridor by increasing the vibrancy of the neighborhood.
- The impact of additional vehicle trips will not have a negative effect on the Needham Street corridor.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

Needham Street continues to transition from manufacturing uses to retail uses within Mixed Use 1 and Mixed Use 2 zoning districts. Change has occurred on a parcel-by-parcel basis as structures redeveloped or upgraded one at a time. H.C. Starck, a light industrial facility is located to the southeast of the subject site. Other retail facilities are located to the north and south of these properties along Needham Street. Across Needham Street to the southwest is the location of the Filene's Basement store and the Papa Gino's restaurant that was the subject of special permit in 2008 (Board Order #178-08). In addition, immediately across Needham Street, 201 Needham Street is currently the subject of an application to convert a portion of the existing Filene's housewares and men's clothing store to a restaurant.

B. Site

The 192,308 sq. ft. site consists of two relatively flat lots improved with two structures containing a mix of uses that are served by 232 parking spaces.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

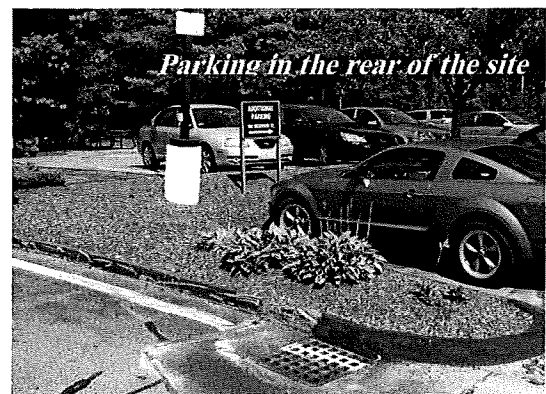
Uses on the site have changed over time as warehouses have converted to a retail and office cluster. Today, there remains retail (a bank, a sporting good store), offices, and a gym for children. The conversion of retail space to a restaurant would be complementary to other existing uses in the area. It would serve office workers in the areas, shoppers in nearby retail destination, and potentially serve as a restaurant destination for those outside the immediate area. A thriving restaurant would contribute to a thriving Needham Street corridor, facilitating the continuing transition of the area from an industrial zone to a mixed-use corridor.

B. Building and Site Design

The petitioner does not propose to alter any buildings or the site design in the current proposal.

C. Parking and Circulation

There are currently 232 parking spaces on the site, which meet the City's off-street parking requirements for the proposed use. The petitioner does not propose additional parking as a result of the conversion of retail space to restaurant use. According to the parking study provided by the petitioner and conducted by Tetra Tech Rizzo (*ATTACHMENT "D"*), the peak current usage is 109 spaces out of the 232 provided.



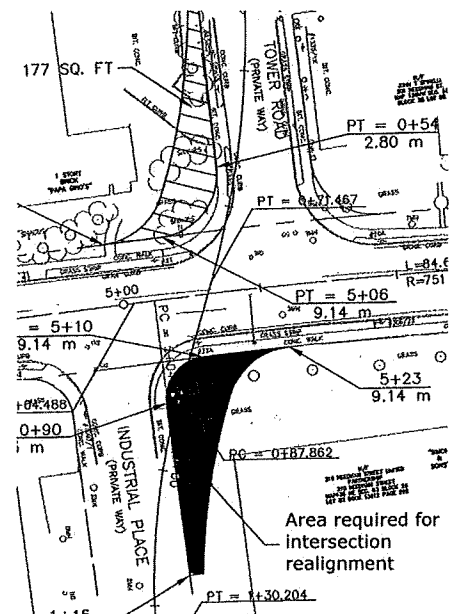
Using figures from the Institute of Transportation Engineers (ITE), Tetra Tech Rizzo predicts an increase in parking usage on site to 133 spaces at the peak hour. According to these estimates, the existing facility should continue to provide adequate parking.

The circulation pattern on the properties is currently not clear to visitors to the site, especially those accessing the site from Needham Street and passing through the site to their destinations. ***The Planning Department recommends the petitioner study possible ways to reconfigure vehicular access and/or to sign the site to minimize confusion.***

Traffic consultants from Tetra Tech Rizzo estimated an increase of 45 trips in the evening peak hour, which would constitute a 0.75% increase in traffic along Needham Street. The Planning Department agrees that this proposal should not create a significant detrimental impact on traffic along Needham Street.

The Board Order issued in 2008 for the expansion of the Filene's Basement Property at 215-217 Needham Street requires the petitioner (FB Newton Properties) to update the traffic studies performed as part of the special permit application after the project is constructed and occupied. If the update reveals an increase in traffic generation over the previous estimates, this condition requires FB Newton Properties mitigate traffic impacts. The Board Order specifies that FB Newton Properties contribute to the cost of a traffic mitigation program in the same proportion as the site's proportional share of traffic entering and/or exiting Tower Road onto Needham Street. Because the project is currently the subject of litigation, it is unclear when it may proceed. Because the current petition for 188-210 Needham Street may increase the traffic along Needham Street and Industrial Place, the Planning Department recommends that any additional traffic generated by this project should be subtracted from the updated counts that will be conducted by the owner of 215-217 Needham in order to isolate the impact of the latter project.

As part of the planned reconstruction of Needham Street, Tower Road and Industrial Place will be aligned to create a single four-way intersection. To complete this reconstruction, it will be necessary for the City to acquire the approximately 2,088 sq. ft. at northeast corner of the existing intersection of Industrial Place and Needham Street at 210 Needham Street. ***The Planning Department recommends a condition that the petitioner will convey this portion of 210 Needham Street to the City in the event that the re-alignment proceeds.*** A similar condition was included in recent Filene's Basement special for 215-217 Needham Street, requiring that petitioner convey 1,676 sq. ft. of land required to complete the intersection to the City in the event that a realignment occurs.



D. Landscape Screening, Lighting, and Signage

The petitioner does not propose any additional landscape screening, lighting, or signage at this time. The row of mature trees along Needham Street minimizes the impact of the overhead wires and provides a landscaped amenity along the heavily trafficked corridor. The landscaping along Needham Street and within the parking areas appears to be adequate for the proposed change of use.



One of the signs at 210 Needham Street for Simon and Sons has not been permitted. The banner advertising sales and rentals must be removed or permitted through the standard sign review process. *The Planning Department recommends that any signage associated with a new restaurant on this property be reviewed by the Urban Design Committee and approved by the Director of Planning and Development.*

IV. COMPREHENSIVE PLAN

The November 2007 *Newton Comprehensive Plan* notes that Needham Street is in transition, as former industrial properties move out and commercial and residential use join or replace them. Recent developments on Needham Street are beginning to define the future character of this street and are establishing a new vernacular and streetscape features. The planned (but currently unfunded) reconstruction of Needham Street will further define its potential for land uses, visual character, and accessibility by all modes of transportation. Planning Department staff is preparing to undertake a study of the corridor to define a visual and functional framework for the ongoing changes to corridor. Meanwhile, it is important to consider the impact of the proposed changes on the vitality of the corridor as a whole.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated June 11, 2009 (*ATTACHMENT "E"*), provides an analysis of the project with regards to the City's zoning regulations. No construction is currently proposed and, therefore, a review for conformance with dimensional requirements is not needed.
- B. Parking Requirements (Section 30-19). The Zoning Review Memorandum provides an analysis of the proposal with regard to Section 30-19. The existing parking supply of 232 spaces more than meets the 209 spaces required by the proposed use and is, therefore, compliant with requirements of Section 30-19.

C. Other Reviews

1. Engineering. No engineering review is necessary.
2. Fire Department. Assistant Chief of Operations Proia approved fire access plans.

D. Previous Reviews. Several special permits have been exercised on the subject property over the past twenty years that have allowed the expansion of the building at 188 Needham Street, the demolition of the rear portion of 210 Needham and its replacement with parking, and the conversion of a number of uses:

- In 1988, the building at #188 was expanded (existing 15,230 sq. ft.; addition of 25,922 sq ft.) with addition of second story on existing building and two-story addition behind the building.
- 1991 - 7,200 sq. ft. at #188 changed from warehouse to Gymnastics Academy
- 1992 - The back of the building at #210 (which housed manufacturing, retail, garage, and office uses) was cut off and replaced it with parking and was occupied by the retailer Staples. Parking in front of building was removed and replaced with landscaping, resulting in more parking.
- 1993 - 25 parking spaces were added to the rear of #188 and #210 to be shared by both properties.
- 1994 - 3,300 sq. ft. of space in #188 was converted from warehouse to retail.
- 1999 - Retail was converted to bank at the front of #188 (bank used 4,980 sq. ft.; 2,141 sq. ft. was for retail needs).
- 2003 - A freestanding sign was approved in front of #210.

Copies of previous board orders are on file in the City Clerk's office and Planning Department and will be available at the Public Hearing and Working Session.

VI. ZONING RELIEFS SOUGHT

The petitioner is seeking approval through or relief from:

- Section 30-13(b)(5) to allow a restaurant use in the MU-1 zone;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permit and to amend existing special permits.

VII. SUMMARY OF PETITIONER'S RESPONSIBILITIES

This petition is currently complete.

ATTACHMENTS

ATTACHMENT A: Zoning Map

ATTACHMENT B: Land Use Map

ATTACHMENT C: Site plan

ATTACHMENT D: Letter from Tetra Tech Rizzo, dated June 29, 2009

ATTACHMENT E: Zoning Review Memorandum, dated June 11, 2009

Zoning Map

188-210 Needham Street and Vicinity

City of Newton,
Massachusetts

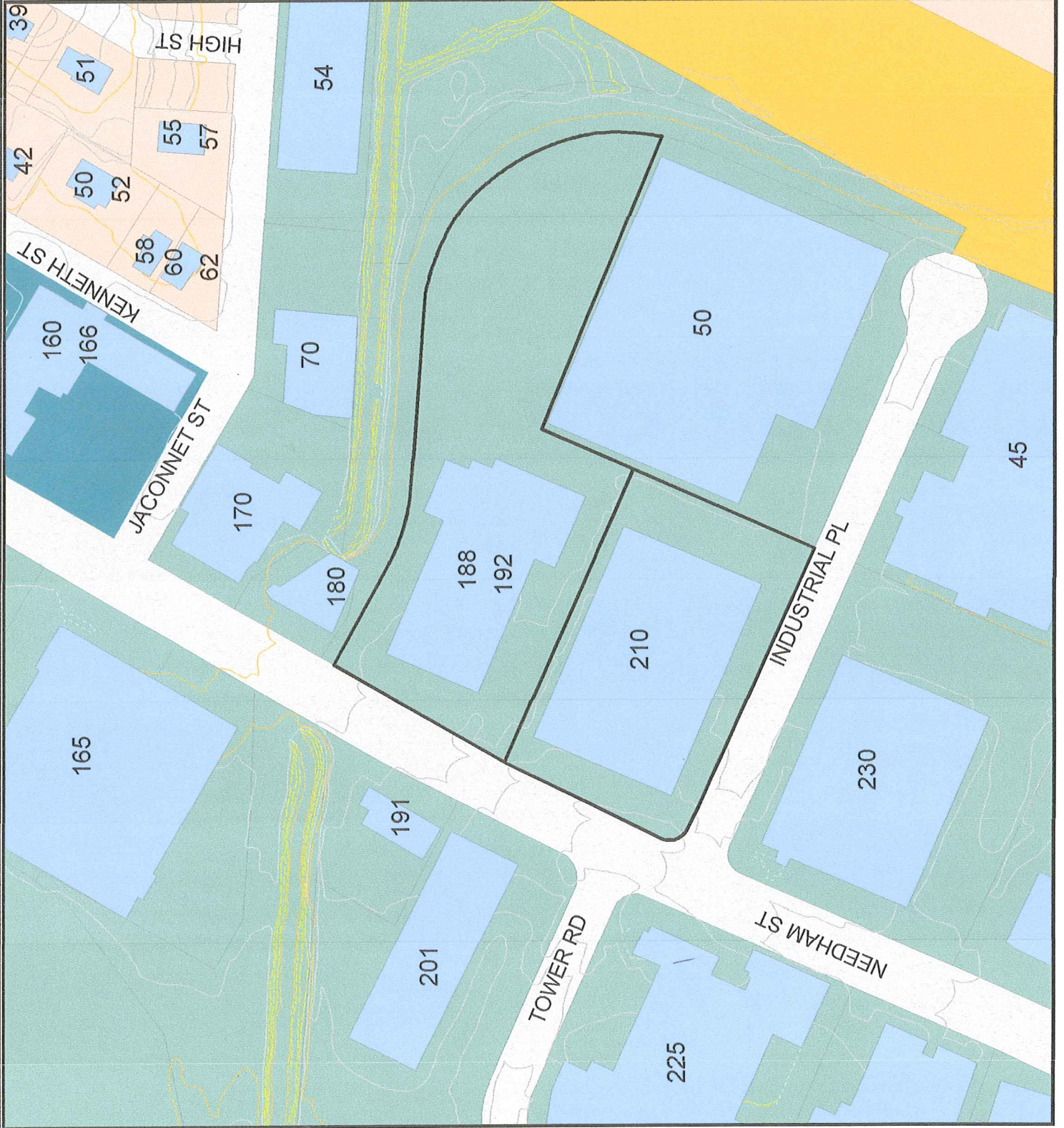
Legend	
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use



The information on this map is derived from the City of Newton's Geographic Information System. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments may not approve applications based on this map.



MAP DATE: April 2011



Land Use Map

188-210 Needham Street and Vicinity

City of Newton,
Massachusetts

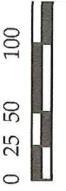
Legend

- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified

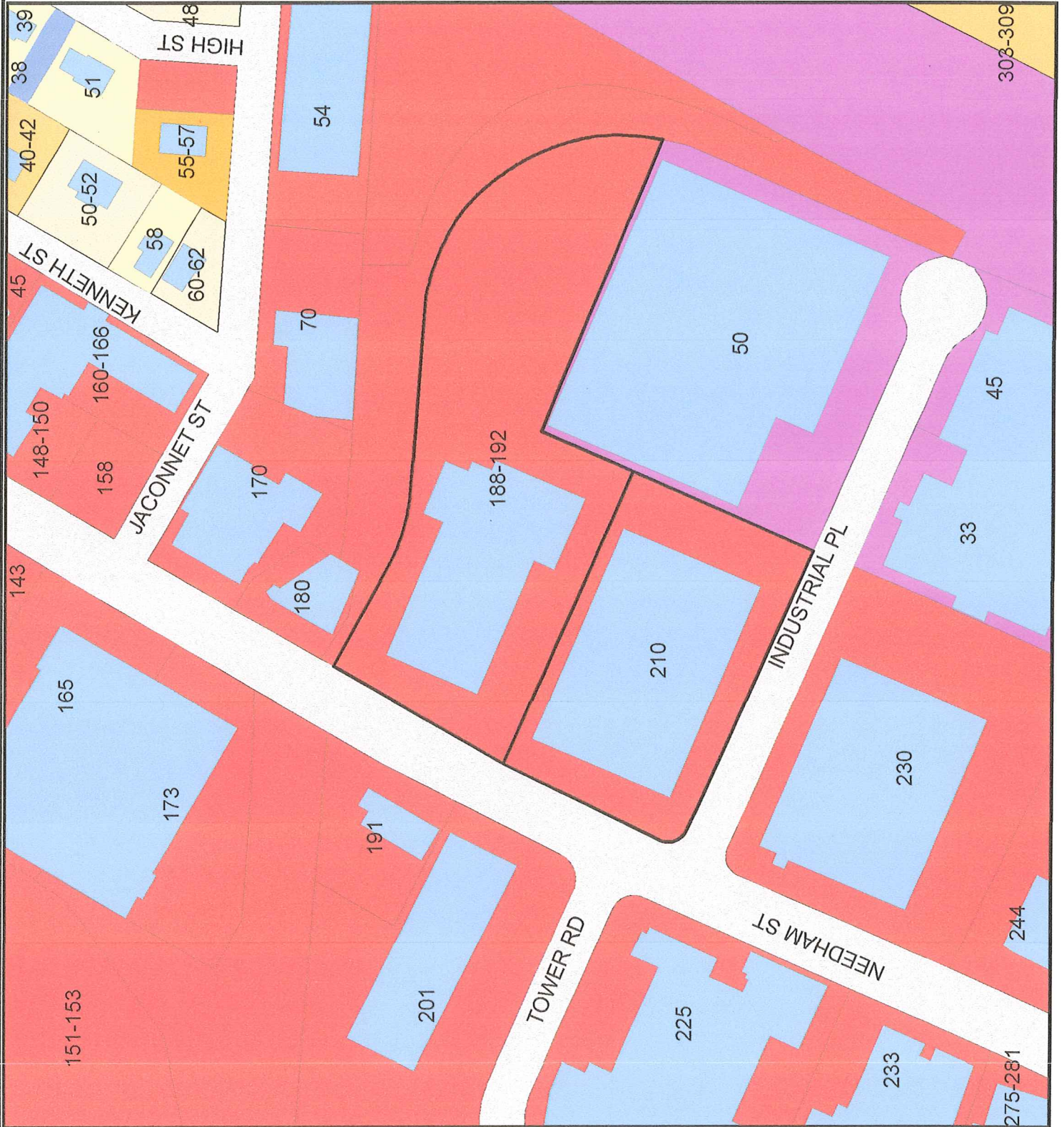
ATTACHMENT B

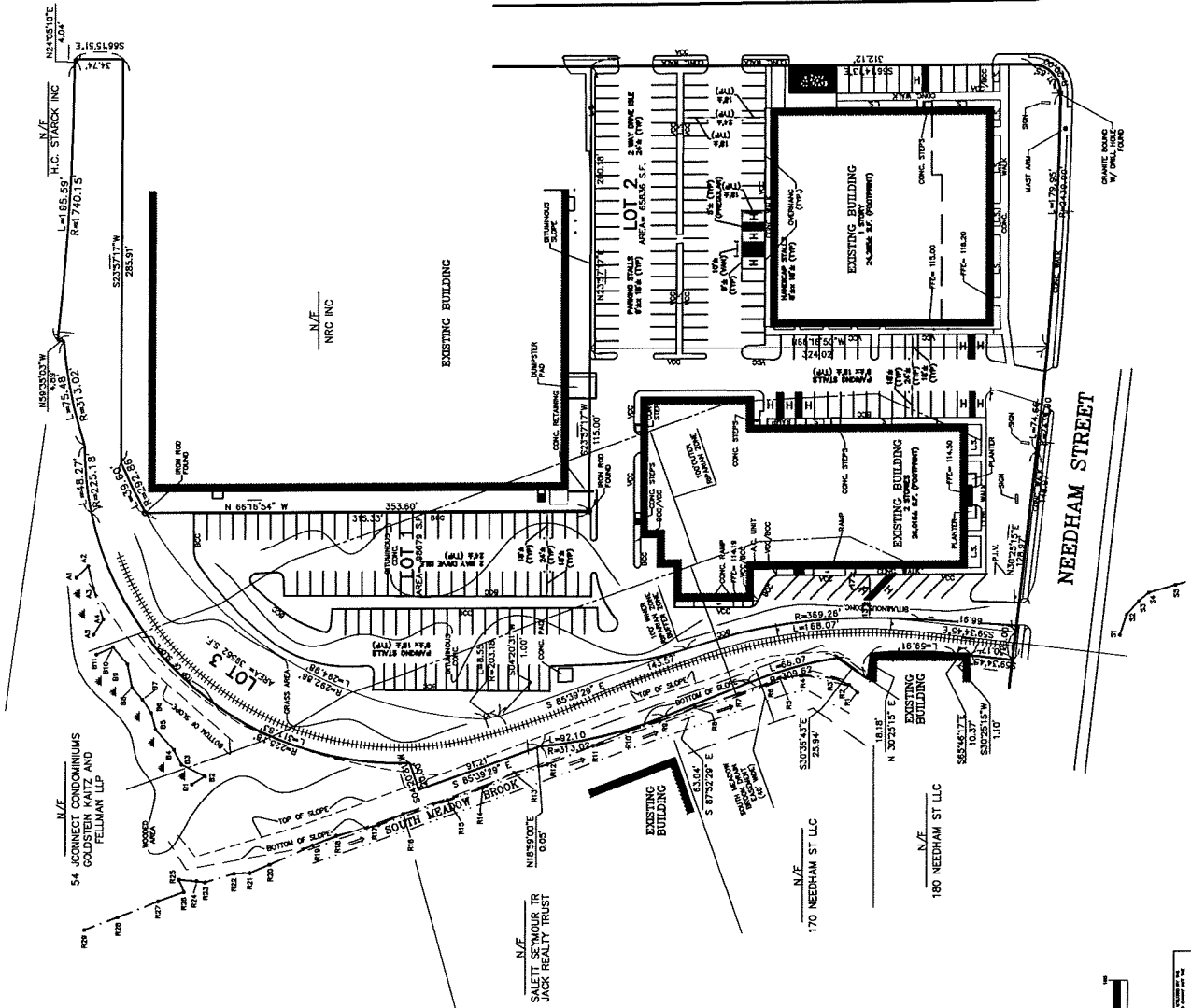


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Newton cannot guarantee
information. Each user of th
for determining its suitability
purpose. City departments
approve applications based



MAP DATE: Au



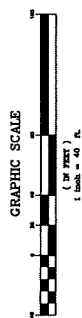


LEGEND	
CUR	CAPE COD BERM
W	VERTICAL GRANITE CURB
H	HANDICAP SPACE
→	HANDICAP RAMP

NOTES:
1. DIMENSIONS VARY IN SIZE. THE APPROXIMATE AVERAGE DIMENSIONS ARE SHOWN ON THE PLAN.

PLAN REFERENCES:
1. A PLAN ENTITLED "PROPOSED PARKING PLAN" BY BRADFORD SANITZ & ASSOCIATES, INC. DATED 09/09/1988.
2. A PLAN ENTITLED "ALTA/ACSM LAND TITLE SURVEY BY CURELLIS SANITZ & ASSOCIATES DATED 09/14/2001"

SCALE	DATE	REV	DATE	REVISION
1" = 40'	08/29/98			
DATE	08/29/98	REV		
PROJECT	CROSSPOINT ASSOCIAT			
PLAN NO.	188 NEEDHAM STREET			
REF. PROJ. NAME	NEWTON, MASSACHUSET			
DISK REF. NO.	EXISTING CONDITIONS			
PROJECT NO.	P-0000-01			
DESIGNED BY	KELLY ENGINEERING GROUP			
CHECKED BY	CIVIL ENGINEERING GROUP			
DATE	AUGUST 1998			
APPROVED BY	PARKING PLAN			
DATE	PHONE: 781 543 5533 FAX: 781 543 5531			



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TETRA TECH RIZZO

June 29, 2009

Mr. Michael Kruse
The City of Newton
Planning and Development Department
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

**Re: 188 Needham Street
Newton, MA**

Dear Michael:

Tetra Tech Rizzo has evaluated parking and traffic impacts related to the proposed reuse of retail space at 188 Needham Street in Newton, Massachusetts as restaurant space. Based on our analysis we conclude that the site has adequate parking supply to support the proposed restaurant use. With the restaurant use in place, the peak parking occupancy is expected to be only 57 percent. Also, the change in use will result in a nominal increase in commuter peak hour traffic volumes generated at the site and a negligible impact on traffic flows at area intersections.

Project Description

The proposed project would convert some existing dry goods retail space at 188 Needham Street to a restaurant use. The 188 Needham Street site presently consists of 12,000 square feet of office space and 64,000 square feet of retail space located in two buildings. Access to the site is provided via two curb cuts on Needham Street and two curb cuts on Industrial Place. There are 233 parking spaces available at the site. Approximately 6,000 square feet of the retail space would be converted to restaurant space under the proposed plan and will accommodate 120 restaurant seats.

Study Method

Tetra Tech Rizzo quantified the change in parking and traffic demands at the subject site associated with the change of use based on Institute of Transportation Engineers (ITE) parking and trip rates. Field surveys were first conducted to evaluate existing parking conditions on the site.



Existing Parking Demand

Tetra Tech Rizzo conducted parking surveys at 188 Needham Street on Wednesday, May 27, 2009. The number of vehicles parked was recorded at thirty-minute intervals during the midday peak period from 11:30 AM to 1:30 PM and during afternoon peak period from 4:30 PM to 6:30 PM. A total of 233 parking spaces were monitored. Based on information obtained from Crosspoint Associates, on May 27, 2009, both buildings on the site were 100 percent leased and occupied.

As shown in Table 1, the peak parking demand occurred at 1:30 PM when 109 spaces were in use. At this time there were 124 vacant parking spaces on the site. These spaces would be available to any net new parking demand generated by the proposed restaurant use. Similarly, there are 190 vacant spaces available at 6:30 PM that could serve restaurant patrons and employees.

Table 1 Existing Site Parking Demands

Time of Day	188 Needham Street	
	Vehicles Parked	Vacant Spaces
11:30 AM	88	145
12:00 AM	93	140
12:30 PM	100	133
1:00 PM	98	135
1:30 PM	109	124
4:30 PM	102	131
5:00 PM	104	129
5:30 PM	82	151
6:00 PM	67	166
6:30 PM	43	190

Notes:

Peak values noted in **bold text**. Available parking supply = 233 spaces.

Future Parking Demand

Future changes in parking demand were determined by examining industry standard parking rates provided in the ITE publication *Parking Generation (3rd Edition, 2004)*. Parking ratios published by the ITE for High-Turnover (Sit-Down) Restaurants (Land Use Code 932) were applied. The peak parking ratio for High-Turnover restaurants located in urban areas is 5.55 spaces per 1000 square feet of floor area. Consequently, the proposed 6,000 square feet restaurant use would generate a peak parking demand of 33 vehicles. ITE data indicates that the peak demand will occur during the lunchtime hours.



During the early evening hours the parking demand is approximately 80 percent of the peak demand or approximately 26 vehicles.

Elimination of 6,000 square feet of retail space at the site would reduce the peak parking demand by 16 vehicles when applying ITE parking rates for shopping centers (Land Use Code 820). Hence, the net impact of the proposed change in use will increase midday peak hour parking demands by 17 vehicles. At this time of day there are presently 124 vacant spaces on the site to accommodate this increase in demand. Adding 17 vehicles to the current peak parking demand of 109 vehicles results in a net peak parking demand of 126 vehicles or 54 percent of the 233 spaces.

The above analysis was repeated using the proposed restaurant seat count to estimate parking demand. This is considered a more conservative analysis as the ITE parking rates based on restaurant seating are based solely on suburban locations where all site access occurs via automobile. For the high-turnover, sit-down restaurant use the ITE parking ratio is 0.33 vehicles per seat. This rate when applied to the proposed 120 seat restaurant will result in a parking demand of 40 vehicles. Using the more conservative demand estimate of 40 vehicles instead of 33 vehicles will result in a net increase in peak parking demand of 24 vehicles. When this demand is added to the existing peak demand of 109 vehicles, there will be 133 occupied spaces and 100 empty spaces (57 percent occupancy).

Traffic Impacts

The proposed restaurant use at 188 Needham Street will result in a small increase in site related traffic. ITE *Trip Generation (8th Edition, 2008)* manual was used to calculate PM peak hour and daily trips generated by the proposed restaurant uses and existing retail uses. The proposed 6,000 square feet of restaurant space will generate 67 vehicle trips during the evening commuter peak hour and 763 trips on a daily basis. Likewise, based on ITE rates 6,000 square feet of retail space will generate 22 PM peak hour trips and 258 daily vehicle trips. The net increase during the PM peak hour is 45 vehicle trips.

Any new traffic generated to/from the site will be comprised in part of "pass-by" trips. These trips are generated by motorists who are already on Needham Street for other purposes and stop to visit the subject site. Assuming a 34 percent pass-by rate consistent with ITE standards, the project adds only 30 new trips to Needham Street. These trips are likely to be split north and south along Needham Street such that only approximately half of these trips will impact any one intersection on Needham Street. Recent counts taken by Tetra Tech Rizzo show that major intersections along Needham Street process



TETRA TECH RIZZO

approximately 2000 vehicles per hour. Hence, the increase in traffic flows on Needham Street associated with the proposed change in use amount to less than a 0.75 percent change.

Summary

Based on the above there is adequate parking available at the 188 Needham Street site to accommodate the proposed change in use to restaurant space. The proposed change in use will not noticeably increase traffic volumes in the area.

We trust that the above study adequately assesses parking and traffic related impacts that could be anticipated from the proposed project. Please do not hesitate to contact us with any questions regarding this information. We look forward to working with you to advance the project through the City permitting process.

Very truly yours,

Richard S. Bryant, P.E.
Vice President


Cc: Bryan Furze, Crosspoint; Frank Stearns, K&L Gates

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Zoning Review Memorandum

Dt: June 11, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development
Franklin G. Stearns, representing 188 Needham Street Limited Partnership/210 Needham Street Limited Partnership
Ouida Young, Associate City Solicitor

RE: Request to allow a restaurant use on the premises.

Applicant: 188 Needham Street Limited Partnership/210 Needham Street Limited Partnership

Site: 188-210 Needham Street	SBL: Section 83, Block 28, Lots 83&84
Zoning: MU-1	Lot Area: 192,308 sq. ft.
Current use: Retail stores and offices	Proposed use: Retail stores, offices and a 120-seat restaurant

Background:

The subject properties consist of a total 192,308 square feet currently improved with structures containing a mix of uses. The properties have been the subject of several special permits in previous years (Board Orders #195-91, 191-92, 472-92, 255-94). The property owner wants more flexibility in leasing the existing commercial space and is requesting permission to allow a 120-seat restaurant on the premises. The following review is based on plans and materials received to date as noted below.

Plans and materials reviewed:

- "Existing Conditions Plan," by Kelly Engineering Group, Inc. Dated 4/6/09, neither signed nor stamped by a licensed professional
- Narrative for 188-210 Needham Street

Administrative determinations:

1. The property is in the MU-1 zone. The proposed new use, a 120 -seat restaurant, is allowed in this zone with a special permit from the Board of Aldermen per Section 30-13(b)(5).
2. Per Section 30-19(d), the proposed uses require 209 parking spaces (see chart below).

Use	Calculation per Section 30-19(d) per use	Existing Use	Spaces Required by Existing Use	Proposed Use	Spaces Required by Proposed Use
Retail (for both 188 and 201 Needham St.)	1 space/300 sq. ft, 1 space/3 employees	38,880 sq. ft., 21 employees (15,230 sq. ft, 9 employees in 188 and 23,650 sq. ft., 12 employees in 210)	137 (130+7)	32,880 sq. ft., 18 employees*	104 (110+2)
Office	1 space/250 sq. ft.	15,230 sq. ft.	61	N/C	61
Restaurant	1 space/3 seats, 1 space/3 employees	N/A	N/A	120 seats, 10 employees	44 (40+4)
TOTAL			198		209

*This square footage number is calculated under the assumption that 6,000 sq. ft. of space currently used for retail will be converted to a restaurant (38,880-6,000=32,880). The number of employees is based on the applicant's statement that there are currently 21 employees for the existing 38,880 sq. ft. of retail space. Therefore, there is approx. 1,851 sq. ft. of retail space per employee for a total of 18 employees (32,880/1851=18).

- The applicant states that there are 232 existing parking spaces on site. The plan submitted with the application for zoning review does not enumerate these spaces nor show their dimensions. The plan submitted with the special permit application should more clearly depict the existing conditions.
- Since the subject properties have been granted numerous special permits, including one specifically regarding parking, it is important that the applicant show how it is complying with the individual conditions of each of these special permits. That said, it does not appear that the existing site plan, to the extent that it complies with these previous special permits, will be altered at all under the proposed plan.
- See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance	Site	Action Required
§30-13(b)(5)	Allow restaurant use in MU-1 zone.	SP per §30-24
§30-24	Amend existing special permits, if necessary	